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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,266	02/05/2002	Kenji Fukasawa	MIPFP003	2068

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EXAMINER

CASCHERA, ANTONIO A

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/072,266

Applicant(s)

FUKASAWA, KENJI

Examiner

Antonio A Caschera

Art Unit

2676

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 May 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-38 and 43.
Claim(s) withdrawn from consideration: 39-42 and 44.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.



MATTHEW C. BELLA

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 2600

Continuation of 11. does NOT place the application in condition for allowance because: In reference to claims 1, 13, 14 and 25-28, Applicant argues that the Ogawa et al. reference does not disclose an output control data acquisition mechanism, means for acquiring output control data, acquiring output control data and acquisition of output control data as recited in the above claims (page 12, 1st paragraph of Applicant's Remarks). The office equates the communication-protocol management and printer-control modules of the image-sensing device of Ogawa to the output control data acquisition mechanism of Applicant's claims (see Final Rejection dated 02/11/05). Ogawa et al. does indeed disclose output control information in the printer information which is designated to each printer available for communication and describes each printer's printing parameters/conditions (see column 4, lines 26-29 and 33-40, column 3, lines 34-39, #10g of Figure 1 and Figure 2 of Ogawa et al.).

Also, in reference to these claims, Applicant argues that the Ogawa reference needs a still digital camera to generate printer control code for each print job while the claimed subject matter does not (see page 11 of Applicant's Remarks). The office does not explicitly see such matter as being critical to application at hand and also does not explicitly see the limitation of having a DSC, capable of being attached and detached, to an output device recited in the claims. Instead the office believes Ogawa to disclose limitations which are functionally equivalent to the recited claim limitations. Further, claim 1, for example, recites "An image data generating device for generating image data to be outputted by an output device..." which can clearly be seen as comprising an image generating device and an output device or the DSC and printer devices of Ogawa.

In reference to claim 43, Applicant argues that the Inoue et al. reference does not explicitly disclose the concept of transmitting printing control information to a printer (see page 14 of Applicant's Remarks). The office firmly disagrees as Inoue et al. explicitly discloses a communications line connecting a DSC with a printer device and sending "image additional information" which includes particular printing data such as color mode processing (see #1, 2, 8 of Figure 1 and column 5, lines 11-20). Therefore, the office believes Inoue et al. is directly related to the invention at hand, is suitably combinable with the Ogawa reference and lastly, discloses the "concept" of transmitting printing information to a printer.

Note, since the recited claim language of all remaining claims has not been altered, the remaining claims 1-38 and 43 would be rejected in a similar manner according to the Final Rejection Office Action mailed, 02/11/05).